IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side
PUBLIC INTEREST WRIT PETITION NO.60 OF 2005

Dattatray Pirgonda Patil. .. .. Petitioner
v/s.
State of Maharashtra & ors. .. Respondents

Ms.T.K. Bairagdar i/by M/s.M.P.Vashi & Associates for petitioner.

Mr.N.P.Deshpande, AGP for respondent No.1.
Mr.G.M.Savagare for respondent No.6.
Mr.Kuldeep S. Patil for respondent Nos.2 to 5.
Respondent Nos.1 to 3 are served.

CORAM : H.L. GOKHALE, ACTING C.J. &
V.M. KANADE, J.

DATED : 8th February 2007

P.C. :

1. Heard Ms.Bairagdar in support of this Petition. She is representing Mr.Vashi who has filed this Petition and other Counsel appearing for the various respondents.

2. The Petition is filed by a resident of Ichalkaranji, District Kolhapur, making a grievance that when respondent Nos.2 to 5 were working in district Kolhapur in the Police department some where in April 2001, they took steps to construct a building of Jaysingpur Police Station and for that purpose funds were collected from the members of public. The Petitioner submits that the funds were illegally collected

without issuing any receipts and that there was no Government sanction and, therefore, he sought an inquiry into the matter. The Petition came up before the earlier Division Bench presided over by the Chief Justice Dalveer Bhandari (as His Lordship then was in this Court) and Dr.Justice Chandrachud and on 17th October 2005 the Court passed an order recording that an investigation had already been directed to be conducted by one Mr.K.K.Pathak, Special Inspector General of Police. The Court, therefore, directed the Director General of Police Dr.P.S.Pasricha to file his report with respect to the action taken on the report of Mr.Pathak.

3. Mr.Deshpande, learned AGP, has tendered to us a Report dated 6th January 2006 of Dr.Pasricha. The report states that on receiving this report of Mr.Pathak, further actions are being taken and amongst others a show cause notice has been issued to Mr.Sanjay Tate, respondent No.5 in this Petition, for further appropriate action.

4. We must note that when the above order was passed by the earlier Bench on 17th October 2005, the Court directed the Director General of Police to file a report and also observed that in view of

the Affidavit which was filed by the Director General in the present proceeding, in fact, nothing really survives in the Petition. The matter was principally kept alive for the Director General of Police to file his report. Now this report is filed and which indicates that appropriate action is being taken. Nothing further needs be done. Petition will stand disposed of while observing that the Director General of Police will take necessary action after issuing this show cause notice and after giving an opportunity to the officer concerned. The report tendered by Mr.Deshpande is taken on record.

5. Petition disposed of.

(ACTING C.J.)

(V.M. KANADE, J.)